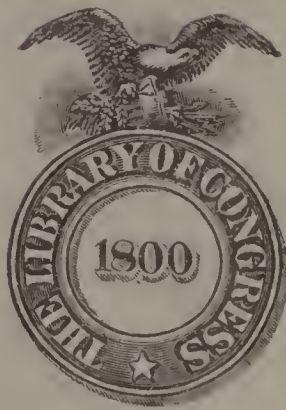




ENGLISH AND AMERICAN LITERATURE

PART FIVE

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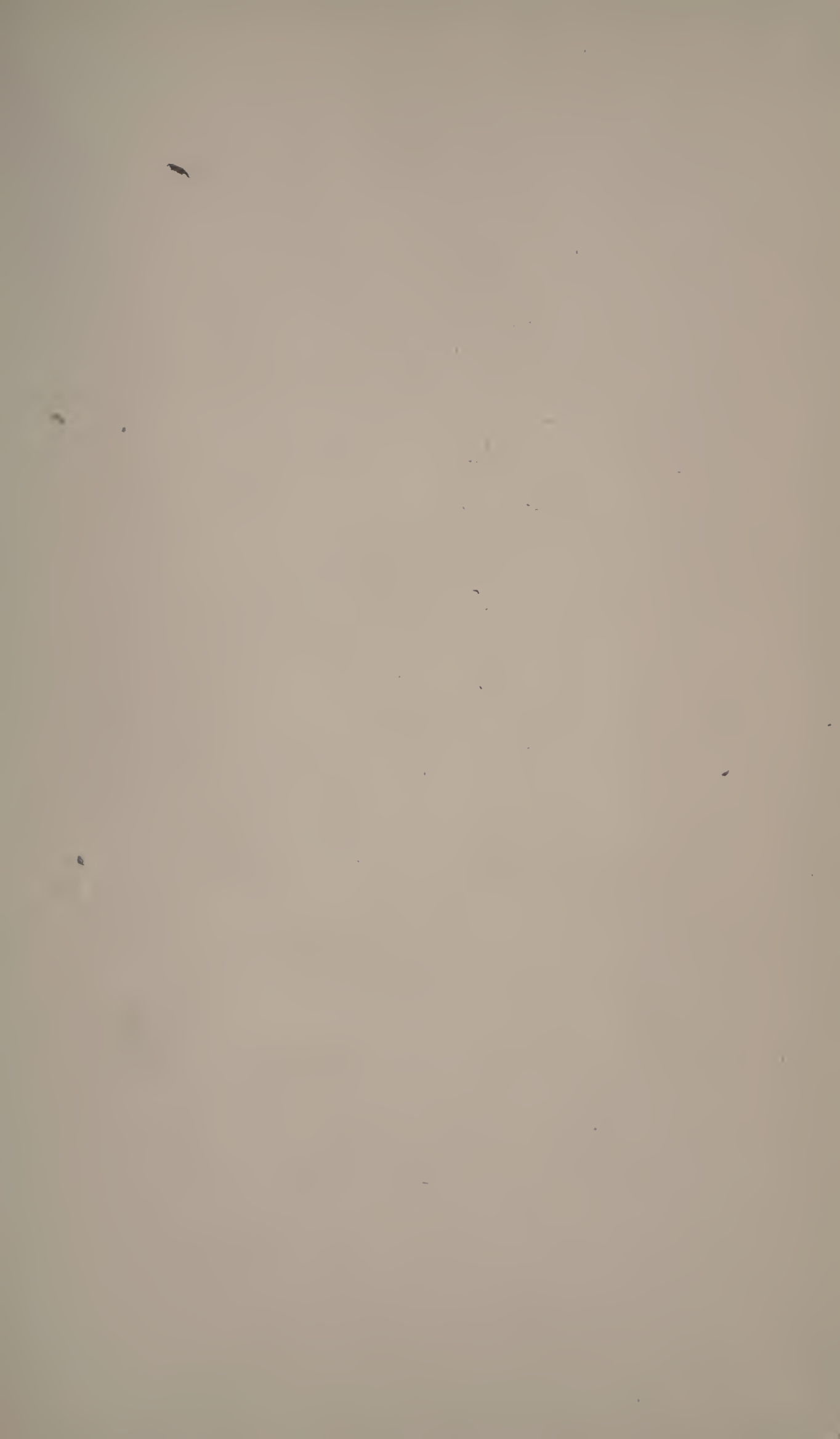


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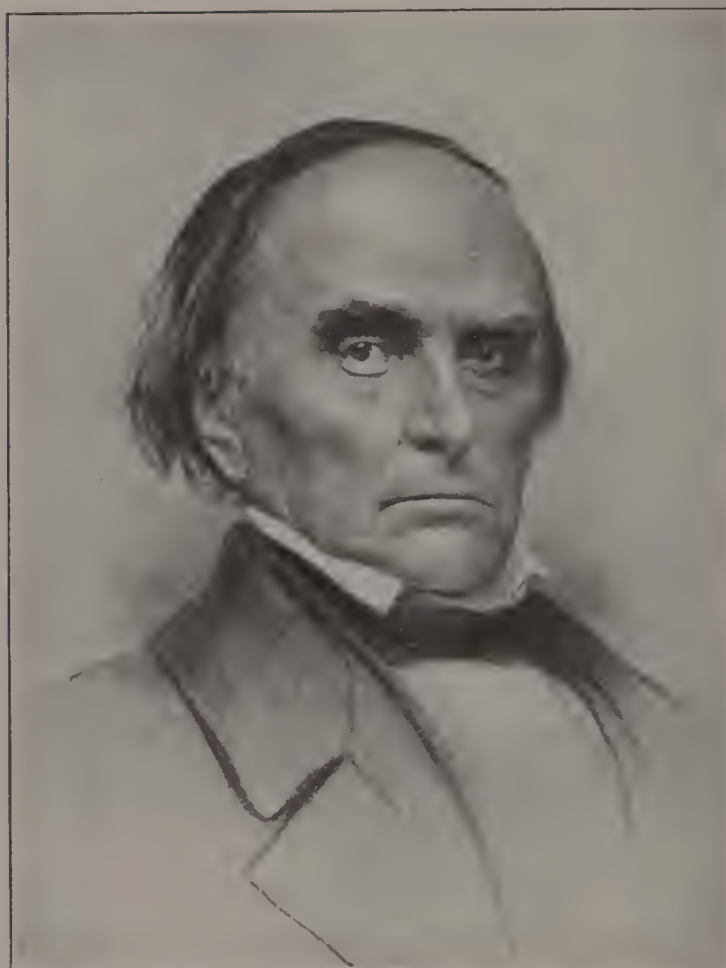
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ENGLISH AND AMERICAN LITERATURE



A CORRESPONDENCE COURSE IN LITERARY CRITICISM, INTER- PRETATION AND HISTORY



By C. H. SYLVESTER
*Formerly Professor of Literature and
Pedagogy in the State Normal
School at Stevens
Point, Wis.*



INCLUDING NUMEROUS
MASTERPIECES



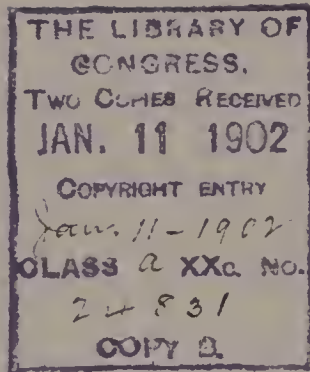
IN EIGHTEEN PARTS
PART FIVE, ORATIONS

CHICAGO
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Part Five

Orations

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Forms of Prose Composition

Forms of Prose Composition

It seems to be generally accepted that four methods of expression are to be found in prose: *Narration, description, exposition* and *argumentation*. Narration deals with things in action, description with the appearance of things, exposition explains the relations ideas bear to one another, and argumentation not only does this, but tries at the same time to convince its readers. Theoretically, this distinction is very easy to make, for action is the life of narration, appearance the theme of description, explanation and exposition are synonymous, and no one argues but with the hope of convincing. What can man do more than to tell what has been done, tell how a thing looks, show how one thing follows from another or is related to it, and endeavor to bring another person to the same state of mind?

The accuracy and completeness of the classification is most evident until one attempts to apply it practically to existing literature, and then he finds that no literary masterpiece belongs entirely to any one of the classes, but that they mingle and unite, one or the other usually predominating. This ruling element, the one which is proportionately greater, will govern the classification of a selection. In any story, narration and descrip-

Forms of Prose Composition

tion meet at every turn and not infrequently exposition is found freely intermingled, while novels have been written with the avowed sole purpose of changing the beliefs of a people. *Uncle Tom's Cabin* is a story of intense dramatic activity, and abounds in vivid descriptions of places and persons. It is generally dealing with incidents relating to the characters of the story, yet it really makes an exposition of the evils of slavery, and certainly was no small factor in stirring the American people into vigorous action against the slave dealers. Yet no one would classify the book otherwise than among the narratives. Although into Burke's *Conciliation* other elements enter, yet everyone will admit it to be argumentative in the highest degree. So while it is well to classify the selections read, yet fine theoretical distinctions should be abandoned. It is not so necessary to classify and name, as it is to compare and distinguish.

The selections we have printed illustrate most excellently the four methods of expression. *The Great Stone Face*, *Wee Willie Winkie*, and *The Ambitious Guest* are narratives, as pure as we can select. Few are finer ideal studies into human character than is the last which deals so delicately with the characteristics of the different types assembled beneath that humble roof. *The Cricket on the Hearth* and the greater part of Lamb's *Dissertation on Roast Pig* may be classed in the same category. *The Roger de Coverley*

Forms of Prose Composition

papers are descriptive, Emerson's *Self-Reliance* is in the main an exposition, while the great speeches of Webster and Burke are argumentative.

Narratives have been variously classified but a classification of them is not more satisfactory than of other forms of literature. A narrative is true or fictitious, and there appears the first principle of classification. Truthful narratives are personal when they are the simple account of the deeds of some person or thing, biographical when they show a clear and evident purpose to detail the events in the life of the person, historical when they deal with larger and more complicated questions and when the actors are as numerous as the actions are various. Fictitious narratives comprise short stories and novels. Of the latter there are many forms as has been explained elsewhere. One prominent writer notes the following types: (1) The realistic novel that is true to actual life and often enters into the discussion of important questions of record. (2) The novel of life and manners which is largely descriptive and in which the exigencies of the plot give way to the study of customs. (3) The novel of incident in which the plot is everything and description and character study are avoided or subordinated to action. (4) The romance which deals with things as they were in days long past and with actions that little concern the present. Marvelous and even supernatural incidents crowd its pages. (5) The idealistic

Form of Prose Compositions

novel which paints the world as it should be and makes its actors more nearly perfect than the world accepts as typical. (6) The novel with a purpose which seeks to convert its readers by the vividness of its portraits rather than by argument, though by means of many detailed conversations its theories are often freely discussed and fully substantiated.

Description deals with the individual and not with the class. A fine description is a work of art in its highest sense and is closely allied to painting, than which it is even more delicate and refined; for while the painter lays his color on the canvas and our eyes see the entire picture in all its minutest detail, the writer can only suggest the idea and stimulate the imagination to create for itself the picture in the mind of the artist. Yet such is the marvelous power of words when handled by a master that one can see by them almost as vividly as by the sense of sight. The reader is transported to far-away lands, strange men and animals surround him, the skies glare above him, silver lakes sparkle in the sun, brooks murmur against their fern-covered sides, and birds move the soul with their sweet music. Evening draws on, and the landscape glimmering fades away; the stars come out one by one and by and by the moon steals slowly up the sky. Peace and quiet reign over the darkened world. Neither sculpture nor painting can depict these changes; it rests with the magic of

Forms of Prose Composition

words. But the reader must do his share. He must give time to his reading, must yield himself gently to its influence, must not force himself into the writer's mood but must receive and accept. Then descriptive literature will yield its keenest pleasures.

Exposition on the other hand deals with a class and is abstract. For this very reason the demands made upon its reader are infinitely greater. It is assumed that the concrete examples and specific instances necessary for the interpretation of the abstract are already in mind and that the barest allusion to them will be sufficient. So exposition follows narrative and description.

Successful argumentation depends upon proof and persuasion. It is addressed to the reason or to the emotions. Burke and Webster endeavor to establish their respective positions by irrefutable arguments. When Beecher addressed the people on the slavery question he appealed strongly to their emotions and sought to make them act because of their intense feeling. One characteristic of all literary masterpieces is unity, but in none is this of more importance than in the expository and argumentative types.

Studies

1. Find three descriptive passages in *The Ambitious Guest*; three in *Wee Willie Winkie*. Which story contains the greater number of descriptive passages?
2. Find argumentative passages in *The Great Stone Face*.
3. Look for expository passages in the narratives of the first two Parts.
4. Can you find narrative in any of the essays of Parts Three and Four?
5. Select a passage from Emerson's *Self-Reliance* and set forth in logical order the steps in his exposition.

Study of an Oration

Orations

With the study of the oration we enter a new department of literature. The essay is written to be read, the oration to be heard ; the essay is to please, to entertain, perhaps to instruct, sometimes to convince ; the oration is to arouse the feelings, to carry conviction, to stir the public to action. It is a formal production, addressed directly to its hearers ; it is in form or meaning in the second person. Even when descriptive or eulogistic it is a direct address. The orator says, "These are my opinions and here are my reasons for so thinking. Will you not accept my view and think and act accordingly ?"

The oration naturally divides itself into three sections. There is an *introduction* in which the speaker clears the way, opens the question and lays down the principles he proposes to advocate, or indicates the course of his argument. The *body* follows. Here the principles are elucidated, the arguments advanced and properly established, or the descriptions elaborated and finished. The last section is the *conclusion* which may consist of a brief review or summary of the inferences drawn, or of a plea for belief and for action in accordance with the principles of the speaker.

Orations

As a final part of the conclusion there is often a paragraph or so of most eloquent diction, the peroration. It is intended to appeal particularly to the emotions of the hearers, to carry them out of themselves, to move them in spite of themselves and to leave them feeling intensely the earnestness and sincerity of the speaker.

Before the art of printing was invented, public opinion was molded almost entirely by public speaking, and for a great many years afterward the orator was the greatest of leaders. By the magic of his eloquence he changed the views of men and inspired them to deeds of greatest valor. The fiery orations of a Demosthenes, of a Cicero; the thrilling words of a Peter the Hermit or a Savonarola; the unanswerable arguments of a Burke or a Webster, have more than once turned the course of history.

But when the newspaper first found its way into the hands of thinking men the power of the orator felt the influence of its silent opponent and began to wane. To-day it is not often that multitudes are swayed by a single voice. The debates and stump-speeches of a political campaign change but few votes. The preacher no longer depends wholly upon the convincing power of his rhetoric to make his converts. The representatives of a people in a parliament or a congress speak that their words may be heard through the newspapers by their constituents more than with the expecta-

Orations

tion that their speech will carry a measure through the House they are addressing.

Yet we still listen with pleasure to a fervid speaker whose earnestness of manner carries the conviction of his sincerity, and even against our will we are moved by elegant sentences and pleasing tones. The orator will continue to be a power though in a different way. Conditions have changed and the ponderous periods and elaborate figures that characterized the orators of classic epochs are giving place to the plain, lucid diction and the simple, true-hearted tones of the modern speaker.

Shakespeare puts into the mouth of Marc Antony his famous oration over the dead body of Cæsar, and the course of a convincing argument was never more clearly seen than in the actions of that ignorant body of Roman citizens. Before an audience of nineteenth century laborers, fresh from the perusal of their daily papers in which headlines, skillfully colored reports, and able editorials have shaped or perverted their opinions, the Roman soldier would have produced no such revolution in sentiment, however much the people might have admired the skillful iteration of his "honorable men" or the masterly way in which he made prominent the good qualities of his martyred chief.

But admire it everyone must. "I come to bury Cæsar, not to praise him." There is no

Orations

hint of his real purpose. How readily he falls in with the opinions of the populace loud in their approbation of the acts of Brutus and his co-conspirators! With what ready tongue he defends their acts and praises the “honorable” intent which led them on! Then little by little as he has really gained the “ears” for which he asked, with what delicate skill he lets his auditors see his idea of the real character of Cæsar, till the gaping wounds become indeed dumb mouths to plead against his murderers. When the time is fully ripe he brings forth the will, but not until the people wrought to the highest pitch of excitement and as furious in their resentment as they had been loud in their praise demand and insist and virtually compel him to reveal its contents. Then his conclusion follows with irresistible effect. True, he was no orator as Brutus was, but a plain man who had sounded the depths of the human heart and learned the secrets of its action. After all, that is oratory, and oratory of the most accomplished kind.

The true oration leads through the hearing to conviction and to action. So the canons by which one judges it must be different from those of any other form of literature. The greatest speakers have been plain men—many of them were not highly educated, and some of them might be called unlearned even. There are instances in which the most polished oratory, that which

Orations

showed most conclusively the trained intellect and which was fashioned with all the art that the schools can give, has lost its power and is remembered only by the scholars who still point with pride to its literary excellence. But the burning thoughts of some less cultivated man have become the household words of a nation. The heart must go into an oration if it is to reach an audience.

No great man was simpler in his tastes, plainer in his manner, rougher in his exterior, than Abraham Lincoln. Yet as a public speaker he has had few equals. He grew up in the west. He listened to campaign speeches and read whatever he could find. His clear vision pierced to the core of a matter and he saw what was necessary to make a convincing argument. To master these essentials became his task—his pleasure. Simplicity, directness, logic, brevity, he sought and obtained. He gathered a wealth of illustration, he mastered the art of vivid presentation, he marshaled his facts in logical array, and threw his whole soul into his delivery. With this equipment he found his way into politics and entered his memorable series of debates with Stephen A. Douglas.

His success was known and appreciated in the west and his reputation traveled eastward. With no little trepidation in his own heart and some fear in the minds of his warmest supporters he

Orations

finally stood before one of the largest and most cultivated audiences the city of New York could furnish, and again his convincing oratory made its way. The self-trained western lawyer outshone the most brilliant and studied orators of the great metropolis.

On the nineteenth day of November, 1863, a great assembly gathered on the battlefield of Gettysburg. It was a day of solemn dedication. A beautiful monument had been erected to those who but four months before had given up their lives to save the north from further invasion. It was an important occasion, a day of studied ceremony. Edward Everett was the orator of the day and had prepared himself with unwonted care to do honor to the dead. His oration was long, scholarly, perfect according to all the rules of his art. It was one of his greatest efforts and his hearers knew they had listened to a masterly creation. But it was forgotten when they heard a simple little address delivered by the President of the United States, Abraham Lincoln. Here is what Lincoln said :

Fourscore and seven years ago, our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so

Orations

dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us,—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion,—that we here highly resolve that these dead shall not have died in vain,—that this nation, under God, shall have a new birth of freedom,—and that government of the people, by the people, for the people, shall not perish from the earth.

Orations

This little address contains but ten sentences, and about two hundred seventy-five words. But see how perfect it is! Analyze the thought, sentence by sentence, and see what perfect unity characterizes it. It is difficult to make the sentences shorter or simpler, but a tabulation may help to the meaning at a single glance. The figures indicate the sentences taken in their natural order. Read the outline carefully and notice that the condensation has caused the omission of many minor thoughts.

I. INTRODUCTION.

1. Spirit of the nation.
 - (a) Conceived in liberty.
 - (b) Dedicated to equality.
2. Shall such a nation endure?
The war will determine.
3. Where we meet.
A great battlefield.
4. Why we meet.
To dedicate.
5. A fitting meeting.

II. BODY.

6. Impossible, in a larger sense, to dedicate.
7. Because the soldiers dedicated more perfectly.
8. World's opinion of:
 - (a) Our words.
 - (b) The soldiers' deeds.

Orations

III. CONCLUSION.

9-10. Our duty:

- (a) To be dedicated.
- (b) To take increased devotion.
- (c) To resolve:
 - (1) That their deaths shall not be in vain.
 - (2) That this nation shall have greater freedom.
 - (3) That the people's government shall not perish.

When the thought has been mastered, consider the sentences separately, noticing their form and the words that compose them. Can redundant words be found? Can different words or phrases be substituted for the ones given here without destroying the euphony or the meaning? Is there anything in the order of arrangement of words that does not please you? In the sixth sentence compare in meaning the words *dedicate*, *consecrate* and *hallow*. Which is the strongest? Is the reason given sufficient to account for our inability? The eighth sentence is a noteworthy one in its perfect balance. How many sets of words are placed in opposition? What is meant by the "last full measure of devotion"? Is the expression an apt and beautiful one? What is the distinction in meaning among the three phrases, *of the people*, *by the people*, and *for the people*?

Orations

Is the difference in meaning sufficient to account for their use? Does the similarity in form; the apparent repetition, add to the force? Which is the best sentence, everything considered? Are the sentences arranged in order of climax, the most important and most sonorous last? How do the various sentences compare in length?

When the address has been studied by this outline, and the questions answered to the satisfaction of the reader, it will begin to be manifest why this is, in spite of its brevity, one of the world's great orations.

General Directions

In the study of an oration the student should first read it through from beginning to end. Then he should determine how much of it may be considered as introductory, what part of it is the body, and where the conclusion properly begins. This done he should prepare a careful outline of the thought in each section. In the introduction he should consider the purpose of that section and its relation to the body. His analysis of the body of the discourse should show the chief line of thought and the secondary or contributory lines. He should weigh the arguments advanced and consider for himself whether these are logical and convincing. Then he should take up the conclusion to judge whether it follows naturally and logically from the rest of the oration and whether it is convincingly stated and adds to the force of the argument. If it is a summary of facts, is it a true one and are the facts put in an effective form and arrangement so they assist in making the desired impression? The student here as elsewhere in this course should not hesitate to write the results of his own thinking and to put into his own language the thoughts of the author. Often in this attempt he convicts himself of error or clarifies the meaning of many an obscure statement. To condense into

General Directions

as brief space as possible the thoughts of an oration is excellent practice. In doing this, note how much has been put in merely for the sake of sound. All the illustrative facts, all the figures that add merely to the beauty or the convincing force can be ruthlessly set aside and the barest statement of facts alone preserved. It is sometimes almost startling to see how much has been said for effect and how many times the changes have been rung on the same idea. As the speech is primarily to be heard, much care has been given by the author to clothing his thoughts in euphonious words and to arranging them in effective and melodious order.

In an oration repetition, which in other forms of literature is annoying, may become a merit. For once again it must be remembered that the oration is to be caught by ear and the hearer cannot ponder over everything that is said but must hasten on to other ideas as rapidly as the speaker utters them. Skillful repetition with attractive variation is exceedingly effective.

The personal element is a factor of great importance. In fiction, in the essay, and in most forms of poetry, the reader is often left in doubt as to the real feeling, the sincere belief of the writer. But in the oration the student has a right to assume that the speaker is voicing his own sentiments, is advocating the principles he intends to follow. Often the orator brings his own per-

General Directions

sonality into the foreground and here the student will consider the purpose indicated by such a course and whether by so doing the author has made himself more effective, or has lessened the force of his arguments by the very prominence he has given himself. How much of Webster's reply to Hayne is purely personal? What justification has Webster for making himself the central figure of the early pages of his debate? Does he obtrude himself into the argument when he has once begun upon the main question? How much of the personal element appears in the conclusion? Would the general effect of the speech have been intensified if he had made it much less personal?

Other questions will occur to the reader. Does the speaker confine himself closely to his argument, or does he at times desist, perhaps introduce something to enliven his remarks, to catch the wavering attention of his hearers? Does he ever rise above the special instance which he is considering and utter broad and general truths in startling or convincing form? Can you find single sentences which may be taken bodily from the text and be in themselves complete and striking statements beautifully expressed?

Are there passages of unusual eloquence, and what relation do they bear to others? Do they follow or precede the arguments and proofs? Do they show that the speaker has convinced himself? Select for frequent reading a number of the pas-

General Directions

sages that you admire and try to determine what constitutes their charm.

In Webster's speech, where does the peroration begin? If it were taken from the oration would it be considered eloquent and thrilling? Does it depend directly upon the preceding arguments, or does it seem like a patriotic outburst from a heart full of feeling? Read it aloud. Is it pleasing to the ear, sonorous and rhythmical? Are all the sentences well balanced? As you read do the thoughts flow smoothly and join readily as though one followed necessarily from another, and do they increase in intensity to the end? If so, this peroration is a *climax* in form as it is the climax of the speech.

As elsewhere in the course, the questions we print can be little more than suggestive. When one studies by himself he must cultivate an inquiring frame of mind, he must learn to quiz himself and to answer his questions to the satisfaction of his own reason. In this way he will eventually gain a power that no class instruction could possibly give him. He will make mistakes and form erroneous judgments, but the questioning habit will eventually convict him of his errors and he will revise his opinions till in the end he finds himself more firmly established in right views than if his correct ideas had been at first established by the ablest instructors. Besides he will have an independence of mind and clearness of thought that can be acquired in no way but by self-reliant thinking.

Daniel Webster

Among the eminent men who have influenced legislative assemblies in Great Britain and the United States, during the past hundred and twenty years, it is curious that only two have established themselves as men of the first class in English and American literature. These two men are Edmund Burke and Daniel Webster.—*E. P. Whipple.*

Daniel Webster

1782-1852

As a patriotic orator Daniel Webster will always stand the foremost American. Of commanding presence, with a courtesy and graciousness of manner that never failed to please, he secured a loyal following wherever he went, and for years was the greatest power in American politics though he was never able to secure the highest office his country had to offer.

His education was acquired under the most adverse conditions. His parents were poor and though ambitious for their son were able to assist him but little. Moreover he was delicate and often feeble and gave little promise of being the large and powerful man he became. By his own exertions and the practice of rigid economy, aided by warm personal friends and the loving care of his parents, he gained his preparatory education and was able to enter Dartmouth College at the age of fifteen. While at Exeter in preparation for college he found his greatest trouble in his public declamations. “Many a piece did I commit to memory, and recite and rehearse in my own room, over and over again; yet when the day came, when the school collected to hear declamations, when my name was called, and I saw all

Daniel Webster

eyes turned to my seat, I could not raise myself from it. When the occasion was over I went home and wept bitter tears of mortification."

After leaving Dartmouth he studied law and in 1805 was admitted to the bar. He rapidly became prominent in his profession and finally settled at Boston. He was elected to Congress and for thirty-four years was in public life as representative, as senator, and twice as Secretary of State.

His two speeches at the Bunker Hill Monument, his eulogy on Jefferson and Adams, and his speech in the White murder trial, together with his Reply to Hayne, are his greatest efforts and are worthy their reputation among the finest examples of classic eloquence.

Some knowledge of the circumstances under which his *Reply to Hayne* was given is necessary to an appreciation of it.

On the twenty-ninth of December, 1829, Mr. Foote of Connecticut introduced the apparently harmless resolution which precipitated the great debate. It was a simple inquiry into the quantity of public lands unsold and into the expediency of abolishing some of the land offices and of limiting or hastening the sales of such lands. The southern members claimed to see in this resolution some menace to their rights and the opportunity was seized to make a bitter personal attack upon New England men, and Mr. Webster in particular.

Daniel Webster

Webster had nothing to do with the introduction of the resolution and did not know it would be made the occasion for such a debate. It is claimed by some that the whole attack was part of a formal conspiracy to overthrow Webster's power and influence and array the new west against New England and its leaders, while the south was to be considered the sympathetic ally of the west.

The debate continued with occasional interruptions for four months and engaged the greatest men of both parties. Benton and Hayne were most conspicuous in vituperative brilliancy and vehement offensiveness. Others sided with them. President Jackson was openly and consistently opposed to Webster, and Vice-President John C. Calhoun, the presiding officer of the Senate, was an avowed leader, and a frequent aid to Hayne in his last brilliant speech.

It was on Monday, the 18th of January, that Benton and Hayne made their first violent attack upon New England. Though their bitterness and virulency surprised Mr. Webster he arose to reply but yielded to an adjournment as it was then a late hour. The next day he replied but his speech was not conclusive.

On Thursday the debate was resumed by Mr. Hayne. Webster was engaged in an important case before the Supreme Court and his attendance there seemed necessary, but though a friend asked an adjournment, to enable Webster to be

Daniel Webster

present, Hayne would not consent. He said he had something here (placing his hand on his heart) that he wished to get rid of. Webster had discharged his fire in the face of the Speaker and Hayne demanded an opportunity to return the shot. An eye witness says: "Then it was that Mr. Webster's person seemed to become taller and bigger. His chest expanded and his eyeballs dilated. Folding his arms in a composed, firm and most expressive manner, he exclaimed: 'Let the discussion proceed. I am ready. I am ready *now* to receive the gentleman's fire.'"

In the speech that followed, Hayne confident of success used every art of the skillful debater and showed himself a master of stinging eloquence. What he said, at least many of the most caustic remarks, may be inferred from Webster's reply but the effect of his words can only be imagined. His friends crowded around him and were as confident of victory as their arrogant leader.

This was on Thursday. An adjournment followed and it was the Tuesday following, January 26, 1830, that Webster again appeared upon the floor. In the meantime he had thought much, and hesitated greatly whether it were best to advance freely his views on the constitution, views which came as the result of years of close study and deep meditation. But his friends urged him to withhold nothing, to crush at one blow the doctrine of a state's right to nullify a law of the

Daniel Webster

government, for to this point had the debate now swung. Accordingly when the hour arrived, the great orator was fully prepared to defend himself and his New England friends and then to unfold this most masterly exposition of the relation of the constitution to the states.

At the capital, interest was never greater. Other public business was at a standstill; the House of Representatives was deserted, its members crowding into the Senate which was full to its utmost, long before the speech began. The galleries, the floor, the aisles, and the space about the President's desk, were all filled with expectant men. Such an audience has rarely met a speaker and not often has an orator held an audience in such spell-bound attention. Master of his subject and master of his hearers, Webster began. He was in the very perfection of his manhood, strong, imposing, self-reliant. His tremendous personal vigor and his dignified poise, his stalwart frame and massive head, his fiery eyes glancing beneath their overhanging brows, and his deep and resonant voice, all united to lend force and conviction to his ponderous rhetoric.

Though much of his speech is argumentation, plain and unadorned, yet those who listened never abated their thrilling interest till the orator had ceased. One who was present says: "The speech was over, but the tones of the orator still lingered upon the ear, and the audience, uncon-

Daniel Webster

scious of its close, retained their position. The agitated countenance, the heaving breast, the suffused eye, attested the continued influence of the spell upon them. Hands that in the excitement of the moment had sought each other, still remained closed in unconscious grasp. Eye still turned to eye, to receive and repay mutual sympathy, and everywhere around seemed forgetfulness of all but the orator's presence and words."



Reply to Hayne

DANIEL WEBSTER

Reply to Hayne

In the U. S. Senate, January 26, 1830.

MR. PRESIDENT,—When the mariner has been tossed for many days in thick weather and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution.

The secretary read the resolution, as follows :

“*Resolved*, That the committee on public lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as

NOTE.—Owing to the great length of this speech some portions have been omitted, but enough of comment is made in their places to preserve the meaning of the context.

Reply to Bayne

have heretofore been offered for sale, and are now subject to entry at the minimum price. And, also, whether the office of surveyor-general, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands.''

We have thus heard, sir, what the resolution is which is actually before us for consideration; and it will readily occur to every one that it is almost the only subject about which something has not been said in the speech, running through two days, by which the senate has been now entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present—everything, general or local, whether belonging to national politics or party politics—seems to have attracted more or less of the honorable member's attention, save only the resolution before the senate. He has spoken of everything but the public lands; they have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed, on Thursday morning, it so happened that it

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would have been convenient for me to be elsewhere.¹ The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which it was kind thus to inform us was coming, that we might stand out of the way, or prepare ourselves to fall before it and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded by it, it is not the first time, in the history of human affairs, that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, sir, in declining to postpone the debate, told the senate, with the emphasis of his hand upon his heart, that there was something rankling *here*, which he wished to relieve.

1. Mr. Webster was one of the attorneys in an important case known as *Carriers' Lessees* against *John Jacob Astor*, then on trial before the supreme court.

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[Mr. Hayne rose and disclaimed the use of the word *rankling*.]

It would not, sir, be safe for the honorable member to appeal to those around him, upon the question whether he did in fact make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honorable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having been in the wrong. There is nothing either originating *here*, or now received *here*, by the gentleman's shot. Nothing originating here, for I had not the slightest feeling of disrespect or unkindness toward the honorable member. Some passages,² it is true, had occurred since our acquaintance in this body, which I could have wished might have been

2. The Panama Congress was called by the Republic of South America in 1826. President Adams, Webster and some others were strongly in favor of the meeting, and delegates were sent by the United States. Webster called on the President for instructions to these ministers. Hayne vigorously opposed the entire movement.

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otherwise; but I had used philosophy and forgotten them. When the honorable member rose in his first speech, I paid him the respect of attentive listening; and when he sat down, though surprised, and I must say even astonished, at some of his opinions, nothing was farther from my intention than to commence any personal warfare. And through the whole of the few remarks I made in answer, I avoided, studiously and carefully, everything which I thought possible to be construed into disrespect. And, sir, while there is thus nothing originating *here* which I wished at any time, or now wish, to discharge, I must repeat also, that nothing has been received *here* which *rankles*, or in any way gives me annoyance. I will not accuse the honorable member of violating the rules of civilized war; I will not say that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

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The honorable member complained that I had slept on his speech. I must have slept on it, or not slept at all. The moment the honorable member sat down, his friend from Missouri³ rose, and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the senate should adjourn. Would it have been quite amiable in me, sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward, to destroy sensations thus pleasing? Was it not much better and kinder, both to sleep upon them myself, and to allow others also the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake. Owing to other engagements, I could not employ even the interval between the adjournment of the senate and its meeting the next morning, in attention to the subject of this debate. Nevertheless, sir, the mere matter of fact is undoubtedly true. I did sleep on the gentle-

3. Hon. Thomas H. Benton.

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man's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that in this respect, also, I possess some advantage over the honorable member, attributable, doubtless, to a cooler temperament on my part; for, in truth, I slept upon his speeches remarkably well.

But the gentleman inquires why *he* was made the object of such a reply. Why was he singled out? If an attack has been made on the east, he, he assures us, did not begin it; it was made by the gentleman from Missouri. Sir, I answered the gentleman's speech because I happened to hear it; and because, also, I chose to give an answer to that speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible indorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But, sir, this interrogatory of the honorable member was only introductory to another. He proceeded to ask me whether I had turned upon him, in this debate, from the consciousness that I

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should find an overmatch, if I ventured on a contest with his friend from Missouri.⁴ If, sir, the honorable member, *ex gratia modestiæ*,⁵ had chosen thus to defer to his friend, and to pay him a compliment, without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and manner of the gentleman's question forbid me thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, something of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for myself in

4. During the course of the debate upon Foote's resolutions, Mr. Hayne and Mr. Benton had condemned the policy of the eastern states as being illiberal to the west. Mr. Webster replied in vindication of New England and the policy of the government.

5. From modest grace.

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debate here. It seems to me, sir, that this is extraordinary language, and an extraordinary tone for the discussions of this body.

Matches and overmatches ! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a senate, a senate of equals, of men of individual honor and personal character, and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, sir, as a match for no man ; I throw the challenge of debate at no man's feet. But then, sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer ; and I tell him, that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of *his* friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say, on the floor of the senate.

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But, sir, the coalition !⁶ The coalition ! Ay, “the murdered coalition !” The gentleman asks, if I were led or frightened into this debate by the specter of the coalition. “Was it the ghost of the murdered coalition,” he exclaims, “which haunted the member from Massachusetts, and which, like the ghost of Banquo,⁷ would never down?” “The murdered coalition !” Sir, this charge of a coalition, in reference to the late administration, is not original with the honorable member. It did not spring up in the senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin, and a still lower present condition. It is one of the thousand calumnies with which the press teemed during an excited political canvass. It was a charge, of which there was not only no proof or probability, but which was

6. The coalition. There were four candidates at the presidential election in 1824. As no candidate received a majority of the electoral votes, the election went to the House of Representatives. The friends of John Quincy Adams and Henry Clay united and elected Adams. The Jacksonian party accused Clay of forming a coalition with Adams, and selling out to him, on condition that Clay should be made secretary of state. Clay was appointed to this position, and the belief that such a bargain had been made was quite current for some years. A complete understanding of the situation later, however, entirely disproved the charge.

7. Banquo, murdered by Macbeth. The allusion is to the ghost that appeared at the banquet in Shakespeare's play. See Part Twelve.

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in itself wholly impossible to be true. No man of common information ever believed a syllable of it. Yet it was of that class of falsehoods which, by continued repetition, through all the organs of detraction and abuse, are capable of misleading those who are already far misled, and of further fanning passion already kindling into flame. Doubtless it served in its day, and in greater or less degree the end designed by it. Having done that, it has sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised. It is not now, sir, in the power of the honorable member to give it dignity and decency, by attempting to elevate it, and to introduce it into the senate. He can not change it from what it is, an object of general disgust and scorn. On the contrary, the contact, if he choose to touch it, is more likely to drag him down, down, to the place where it lies itself.

But, sir, the honorable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered

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Banquo, at whose bidding his spirit would not *down*. The honorable gentleman is fresh in his reading of the English classics, and can put me right if I am wrong ; but, according to my poor recollection, it was at those who had begun with caresses and ended with foul and treacherous murder that the gory locks were shaken. The ghost of Banquo, like that of Hamlet,⁸ was an honest ghost. It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, A ghost ! It made itself visible in the right quarter, and compelled the guilty and the conscience-smitten, and none others, to start, with,

“Prythee, see there ! behold ! — look ! lo !
If I stand here, I saw him !”

Their eyeballs were seared (was it not so, sir ?) who had thought to shield themselves by concealing their own hand, and laying the imputation of the crime on a low and hireling agency in wickedness ; who had vainly attempted to stifle the workings of their own coward consciences by ejaculating through

8. The ghost of the king, Hamlet's father, that came to tell his son how he had been murdered.

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white lips and chattering teeth, “Thou canst not say I did it!” I have misread the great poet if those who had no way partaken in the deed of the death either found that they were, or *feared that they should be*, pushed from their stools by the ghost of the slain, or exclaimed to a specter created by their own fears and their own remorse, “Avaunt! and quit our sight!”

There is another particular, sir, in which the honorable member's quick perception of resemblances might, I should think, have seen something in the story of Banquo making it not altogether a subject of the most pleasant contemplation. Those who murdered Banquo, what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification; dust and ashes the common fate of vaulting ambition overleaping itself? Did not even-handed justice ere long commend the poisoned chalice to their own lips? Did they not soon find that for another they had “'filed their mind?” that their ambition, though apparently for the moment successful, had but put a barren scepter in their grasp? Ay, sir,

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“a barren scepter in their gripe

*Thence to be wrenched by an unlineal hand,
No son of theirs succeeding.”*⁹

Sir, I need pursue the allusion no farther. I leave the honorable gentleman to run it out at his leisure, and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associations, and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said, I am satisfied also; but that I shall think of. Yes, sir, I will think of that. . . .

I spoke, sir, of the Ordinance of 1787, which prohibited slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight, and one which had been attended with highly beneficial and permanent consequences. I supposed that, on this point, no two gentlemen in the senate could entertain different opinions. But the simple expression of this sentiment has led the gentleman, not only into a labored defense of

9. This is a sarcastic reference to Calhoun's future prospects. Calhoun was anxious to secure the next election to the presidency, but his relations to President Jackson were such that it was evident that Van Buren would be the choice of the party.

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slavery, in the abstract and on principle, but also into a warm accusation against me, as having attacked the system of domestic slavery now existing in the southern states. For all this there was not the slightest foundation in anything said or intimated by me. I did not utter a single word which any ingenuity could torture into an attack on the slavery of the south. I said, only, that it was highly wise and useful, in legislating for the north-western country while it was yet a wilderness, to prohibit the introduction of slaves; and added, that I presumed there was in the neighboring state of Kentucky no reflecting and intelligent gentleman who would doubt that, if the same prohibition had been extended at the same early period, over that commonwealth, her strength and population would, at this day, have been far greater than they are. If these opinions be thought doubtful, they are nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody and menace nobody. And yet, sir, the gentleman's optics have discovered, even in the mere expresssion of this sentiment, what he calls the very spirit of the Missouri question. He represents me as making an onset on the whole south, and manifesting a spirit

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which would interfere with and disturb their domestic condition !

Sir, this injustice no otherwise surprises me, than as it is committed here, and committed without the slightest pretense of ground for it. I say it only surprises me as being done here; for I know full well, that it is and has been, the settled policy of some persons in the south, for years, to represent the people of the north as disposed to interfere with them in their own exclusive and peculiar concerns. This is a delicate and sensitive point in southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole south against northern men or northern measures. This feeling, always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection, is a lever of great power in our political machine. It moves vast bodies, and gives to them one and the same direction. But it is without any adequate cause, and the suspicion which exists is wholly groundless. There is not, and never has been, a disposition in the north to interfere with these interests of the south. Such interference has never been supposed to be within the power of government; nor has it

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been in any way attempted. The slavery of the south has always been regarded as a matter of domestic policy, left with the states themselves, and with which the federal government had nothing to do. Certainly, sir, I am, and ever have been, of that opinion. The gentleman, indeed, argues that slavery, in the abstract, is no evil. Most assuredly I need not say I differ with him, altogether and most widely, on that point. I regard domestic slavery as one of the greatest of evils, both moral and political. But though it be a malady, and whether it be curable, and if so, by what means; or, on the other hand, whether it be the *vulnus immedicabile*¹⁰ of the social system, I leave it to those whose right and duty it is to inquire and to decide. And this I believe, sir, is, and uniformly has been, the sentiment of the north.

(Several pages are here omitted. In them, Webster looks a little into history. He reviews the relation of slavery to the constitution and shows that congress had passed resolutions denying the right of that body to interfere in the treatment of slaves in any of the states, and this by a congress composed largely of northern men. He

10. Incurable wound.

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recognizes the advantages of representation to be with the south, but does not complain. He favors the constitution as it is and the Union as it is, but he resents the imputation that he is seeking to extend the power of the government over the internal laws of the states. He discusses the Ordinance of 1787, and shows that it was due to the influence and votes of northern men that slavery was prohibited in the Northwest Territory, and that free schools were secured there.)

But as to the Hartford convention,¹¹ sir, allow me to say, that the proceedings of that body seem now to be less read and studied in New England than farther south. They appear to be looked to, not in New England, but elsewhere, for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose, they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a whole bar's length beyond it. The learned doctors of Colleton

11. The Hartford convention met at Hartford, Conn., Dec. 15, 1814. It was composed of delegates from Massachusetts, Connecticut, and Rhode Island, and was the outgrowth of the opposition of the Federalists to the war. Its sessions were behind closed doors, and a report was falsely circulated that it proposed measures leading to the secession of the New England states from the Union. The proceedings brought discredit upon the Federalists of New England.

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and Abbeville¹² have pushed their commentaries on the Hartford collect so far, that the original text-writers are thrown entirely into the shade. I have nothing to do, sir, with the Hartford convention. Its journal, which the gentleman has quoted, I never read. So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the constitution, or tending to disunion, so far I shall be as ready as any one to bestow on them reprehension and censure.

Having dwelt long on this convention, and other occurrences of that day, in the hope, probably, (which will not be gratified,) that I should leave the course of this debate to follow him at length in those excursions, the honorable member returned, and attempted another object. He referred to a speech of mine in the other house, the same which I had occasion to allude to myself, the other day; and has quoted a passage or two from it,

12. Hayne was born in the Colleton district, and Calhoun in the Abbeville district of South Carolina. Anti-tariff meetings had been held in both districts in 1828, and the reference is probably to them.

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with a bold, though uneasy and laboring air of confidence, as if he had detected in me an inconsistency. Judging from the gentleman's manner, a stranger to the course of the debate and to the point in discussion would have imagined, from so triumphant a tone, that the honorable member was about to overwhelm me with a manifest contradiction. Any one who heard him, and who had not heard what I had, in fact, previously said, must have thought me routed and discomfited, as the gentleman had promised. Sir, a breath blows all this triumph away. There is not the slightest difference in the sentiments of my remarks on the two occasions. What I said here on Wednesday is in exact accordance with the opinion expressed by me in the other house in 1825. Though the gentleman had the metaphysics of Hudibras,¹³ though he were able

“to sever and divide

A hair 'twixt north and northwest side,”

he yet could not insert his metaphysical scissors between the fair reading of my remarks in 1825 and what I said here last week. There

¹³. In Butler's satire a Presbyterian justice of the peace who sets out to reform abuses, to suppress games and amusements.

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is not only no contradiction, no difference, but, in truth, too exact a similarity, both in thought and language, to be entirely in just taste. I had myself quoted the same speech; had recurred to it, and spoke with it open before me; and much of what I said was little more than a repetition from it.

* * * * *

I need not repeat at large the general topics of the honorable gentleman's speech. When he said yesterday that he did not attack the eastern states, he certainly must have forgotten, not only particular remarks, but the whole drift and tenor of his speech; unless he means by not attacking, that he did not commence hostilities, but that another had preceded him in the attack. He, in the first place, disapproved of the whole course of the government, for forty years, in regard to its disposition of the public land; and then, turning northward and eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the "accursed policy" of the tariff, to which he represented the people of New England as wedded, he went on for a full hour with remarks, the whole scope of which was to exhibit the results of this policy,

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in feelings and in measures unfavorable to the west. I thought his opinions unfounded and erroneous as to the general course of the government, and ventured to reply to them.

The gentleman had remarked on the analogy of other cases, and quoted the conduct of European governments toward their own subjects settling on this continent as in point, to show that we had been harsh and rigid in selling, when we should have given the public lands to settlers without price. I thought the honorable member had suffered his judgment to be betrayed by a false analogy; that he was struck with an appearance of resemblance where there was no real similitude. I think so still. The first settlers of North America were enterprising spirits, engaged in private adventure, or fleeing from tyranny at home. When arrived here, they were forgotten by the mother country, or remembered only to be oppressed. Carried away again by the appearance of analogy, or struck with the eloquence of the passage, the honorable member yesterday observed that the conduct of government toward the western emigrants, or my representation of it, brought to his mind a celebrated speech in the British parliament. It was, sir, the speech of Colonel Barre. On

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the question of the stamp act, or tea tax, I forget which, Colonel Barre had heard a member on the treasury bench argue, that the people of the United States, being British colonists, planted by the maternal care, nourished by the indulgence, and protected by the arms of England, would not grudge their mite to relieve the mother country from the heavy burden under which she groaned. The language of Colonel Barre, in reply to this, was :
“ They planted by your care? Your oppression planted them in America. They fled from your tyranny, and grew by your neglect of them. So soon as you began to care for them, you showed your care by sending persons to spy out their liberties, misrepresent their character, prey upon them, and eat out their substance.”

And how does the honorable gentleman mean to maintain that language like this is applicable to the conduct of the government of the United States toward the western emigrants, or to any representation given by me of that conduct? Were the settlers in the west driven thither by our oppression? Have they flourished only by our neglect of them? Has the government done nothing but to prey upon them, and eat out their substance? Sir,

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this fervid eloquence of the British speaker, just when and where it was uttered, and fit to remain an exercise for the schools, is not a little out of place when it is brought thence to be applied here, to the conduct of our own country toward her own citizens. From America to England, it may be true; from Americans to their own government, it would be strange language. Let us leave it to be recited and declaimed by our boys against a foreign nation; not introduce it here, to recite and declaim ourselves against our own.

(Webster reiterates his views as to the proper method of handling the public lands and brings his opponent back to the real question. Has the doctrine been advanced at the south or the east that the population of the west should be retarded or at least not be hastened? Is this doctrine of eastern origin? New England is guiltless of any such policy.)

We approach, at length, sir, to a more important part of the honorable gentleman's observation. Since it does not accord with my views of justice and policy to give away the public lands altogether, as mere matter of gratuity, I am asked by the honorable gentleman on what ground it is that I consent to vote them away in particular instances.

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How, he inquires, do I reconcile with these professed sentiments my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the west? This leads, sir, to the real and wide difference in political opinion between the honorable gentleman and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its object and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference. The interrogatory which he proceeded to put, at once explains this difference. "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system; and its answer expounds mine. Here we differ. I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the western waters, as being an object large and extensive enough to be fairly said to be for the common benefit.¹⁴

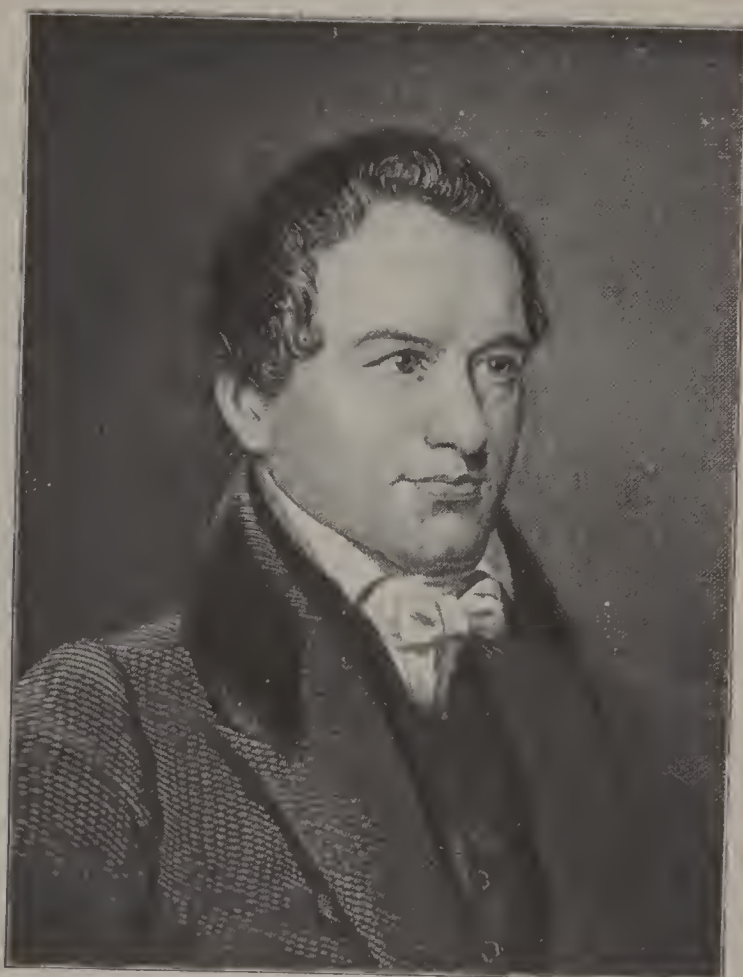
14. The question of internal improvements at public expense was one upon which the older political parties divided. Since 1789, money has been steadily appropriated by congress for the building of lighthouses, and other coast improvements, but the first actual appropriation for a

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The gentleman thinks otherwise, and this is the key to his construction of the powers of the government. He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments and different countries; connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio.

Sir, we narrow-minded people of New England do not reason thus. Our *notion* of things is entirely different. We look upon the states, not as separated, but as united. We love to dwell on that union, and on the

strictly internal improvement was in 1806, when money was granted for the construction of the Cumberland Road from Cumberland on the Potomac to the Ohio. This road was continued as far as Illinois in 1838. John Quincy Adams and his followers advocated such measures and the fact was instrumental in his defeat for a second term. At the time of the great debate the discussion of this policy was becoming somewhat bitter.



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mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; states united under the same general government, having interests common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this government, we look upon the states as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries beyond which public improvements do not benefit us. We who come here as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard with an equal eye the good of the whole, in whatever is within our power of legislation. Sir, if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do, that the power of government extends to the encouragement of works of that description, if I were to stand up here and ask, What interest has Massachusetts in a railroad in South Carolina? I should not be willing to

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face my constituents. These same narrow-minded men would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Sir, I do not desire to enlarge the powers of the government by unjustifiable construction, nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the states are one. It was the very object of the constitution to create unity of interests to the extent of the powers of the general government. In war and peace we are one; in commerce, one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting lighthouses on the lakes, than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and flow of the tide; or in removing obstructions in the vast streams of the west, more

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then in any work to facilitate commerce on the Atlantic coast. If there be any power for one, there is power also for the other ; and they are all and equally for the common good of the country.

(The proceeds of the public lands should be a common fund for the benefit of the new states. This principle northern votes have established. Hayne has asked *when, how, and why* New England votes were found going for measures favorable to the west, and insinuates that it began in 1825 and while a presidential election was pending.)

Sir, to these questions retort would be justified; and it is both cogent and at hand. Nevertheless, I will answer the inquiry, not by retort, but by facts. I will tell the gentleman *when, and how, and why* New England has supported measures favorable to the west. I have already referred to the early history of the government, to the first acquisition of the lands, to the original laws for disposing of them, and for governing the territories where they lie ; and have shown the influence of New England men and New England principles in all these leading measures. I should not be pardoned were I to go over that ground again. Coming to more recent times, and to

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measures of a less general character, I have endeavored to prove that everything of this kind, designed for western improvement, has depended on the votes of New England ; all this is true beyond the power of contradiction. And now, sir, there are two measures to which I will refer, not so ancient as to belong to the early history of the public lands, and not so recent as to be on this side of the period when the gentleman charitably imagines a new direction may have been given to New England feeling and New England votes. These measures, and the New England votes in support of them, may be taken as samples and specimens of all the rest.

In 1820 (observe, Mr. President, in 1820), the people of the west besought congress for a reduction in the price of lands. In favor of that reduction, New England, with a delegation of forty members in the other house, gave thirty-three votes, and one only against it. The four southern states, with over fifty members, gave thirty-two votes for it, and seven against it. Again, in 1821 (observe again, sir, the time), the law passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the west, and more especially to the southwest. It author-

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ized the relinquishment of contracts for lands which had been entered into at high prices, and a reduction in other cases of not less than thirty-seven and a half per cent on the purchase-money. Many millions of dollars, six or seven I believe, at least — probably much more — were relinquished by this law. On this bill, New England, with her forty members, gave more affirmative votes than the four southern states, with their fifty-two or three members. These two are far the most important general measures respecting the public lands which have been adopted within the last twenty years. They took place in 1820 and 1821. That is the time *when*.

As to the manner *how*, the gentleman already sees that it was by voting in solid column for the required relief. And, lastly, as to the cause *why*, I tell the gentleman it was because the members from New England thought the measures just and salutary; because they entertained toward the west neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened men, to meet the exigency which had arisen in the west with the appropriate measure of relief; because they felt it due to their own characters, and the char-

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acters of their New England predecessors in this government, to act toward the new states in the spirit of a liberal, patronizing, magnanimous policy. So much, sir, for the cause *why*, and I hope that by this time, sir, the honorable gentleman is satisfied; if not, I do not know *when*, or *how*, or *why* he ever will be. . . .

This government, Mr. President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns to be able to turn its thoughts inward, and look to the development of its vast internal resources. In the early part of President Washington's administration, it was fully occupied with completing its own organization, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French revolution blazed forth, as from a new-opened volcano, and the whole breadth of the ocean did not secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to government and dividing public opinion, sprung out of the new state of our foreign relations, and were succeeded by others, and yet again

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by others, equally embarrassing and equally exciting division and discord, through the long series of twenty years, till they finally issued in the war with England. Down to the close of that war, no distinct, marked, and deliberate attention had been given, or could have been given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the government in regard to objects connected with such improvement.

The peace, Mr. President, brought about an entirely new and a most interesting state of things ; it opened to us other prospects and suggested other duties. We ourselves were changed, and the whole world was changed. The pacification of Europe, after June, 1815, assumed a firm and permanent aspect. The nations evidently manifested that they were disposed for peace. Some agitation of the waves might be expected, even after the storm had subsided, but the tendency was, strongly and rapidly, toward settled repose.

It so happened, sir, that I was at that time a member of congress, and, like others, naturally turned my attention to the contemplation of the newly altered condition of the country and of the world. It appeared

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plainly enough to me, as well as to wiser and more experienced men, that the policy of the government would naturally take a start in a new direction; because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, under the advantage of a neutral flag. But there were now no longer flags, either neutral or belligerent. The harvest of neutrality had been great, but we had gathered it all. With the peace of Europe, it was obvious there would spring up in her circle of nations a revived and invigorating spirit of trade, and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain European armies, nor our ships longer supply those whom war had rendered unable to supply themselves. It was obvious that, under these circumstances, the country would begin to survey itself, and to estimate its own capacity of improvement.

And this improvement—how was it to be

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accomplished, and who was to accomplish it? We were ten or twelve millions of people, spread over almost half a world. We were more than twenty states, some stretching along the same seaboard, some along the same line of inland frontier, and others on opposite banks of the same vast rivers. Two considerations at once presented themselves, in looking at this state of things, with great force. One was, that that great branch of improvement which consisted in furnishing new facilities of intercourse necessarily ran into different states in every leading instance, and would benefit the citizens of all such states. No one state, therefore, in such cases, would assume the whole expense, nor was the coöperation of several states to be expected. Take the instance of the Delaware breakwater.⁵ It will cost several millions of money. Would Pennsylvania alone ever have constructed it? Certainly never, while this Union lasts, because it is not for her sole benefit. Would Pennsylvania, New Jersey, and Delaware have united to accomplish it at their joint expense? Certainly not, for the

15. The Delaware breakwater was authorized by congress in 1829, and work was begun at Cape Henlopen. In 1869 the work was completed, and Delaware Bay was made an excellent harbor.

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same reason. It could not be done, therefore, but by the general government. The same may be said of the large inland undertakings, except that, in them, government, instead of bearing the whole expense, co-öperates with others who bear a part. The other consideration is, that the United States have the means. They enjoy the revenues derived from commerce, and the states have no abundant and easy sources of public income. The custom-houses fill the general treasury, while the states have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the government with regard to internal affairs. It may not savor too much of self-commendation to remark, that, with this object, I considered the constitution, its judicial construction, its contemporaneous exposition, and the whole history of the legislation of congress under it; and I arrived at the conclusion, that government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as INTERNAL IMPROVEMENTS.

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That conclusion, sir, may have been right, or it may have been wrong. I am not about to argue the grounds of it at large. I say only, that it was adopted and acted on even so early as in 1816. Yes, Mr. President, I made up my opinion, and determined on my intended course of political conduct, on these subjects, in the fourteenth congress, in 1816. And now, Mr. President, I have further to say, that I made up these opinions, and entered on this course of political conduct, *Teucro duce*.¹⁶ Yes, sir, I pursued in all this a South Carolina track. On the doctrines of internal improvement, South Carolina, as she was then represented in the other house, set forth in 1816 under a fresh and leading breeze, and I was among the followers. But if my leader sees new lights and turns a sharp corner, unless I see new lights also, I keep straight on in the same path. I repeat, that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines came first to be considered and acted upon in congress. The debate on the bank question,

¹⁶. *Teucer being the leader*. Teucer was one of the leaders of the Greeks in the Trojan war. Mr. Calhoun was then President of the Senate, being Vice-President of the United States.

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on the tariff of 1816, and on the direct tax, will show who was who, and what was what, at that time.

The tariff of 1816 (one of the plain cases of oppression and usurpation, from which, if the government does not recede, individual states may justly secede from the government) is, sir, in truth, a South Carolina tariff, supported by South Carolina votes. But for those votes it could not have passed in the form in which it did pass; whereas, if it had depended on Massachusetts votes, it would have been lost. Does not the honorable gentleman well know all this? There are certainly those who do, full well, know it all. I do not say this to reproach South Carolina. I only state the fact; and I think it will appear to be true, that among the earliest and boldest advocates of the tariff, as a measure of protection, and on the express ground of protection, were leading gentlemen of South Carolina in congress. I did not then, and can not now, understand their language in any other sense. * * *

Such, Mr. President, were the opinions of important and leading gentlemen from South Carolina, on the subject of internal improvement, in 1816. I went out of congress the next year, and, returning again in

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1823, thought I found South Carolina where I had left her. I really supposed that all things remained as they were, and that the South Carolina doctrine of internal improvements would be defended by the same eloquent voices, and the same strong arms, as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect and new divisions. A strong party had risen in the south hostile to the doctrine of internal improvements, and had vigorously attacked that doctrine. Anticonsolidation was the flag under which this party fought; and its supporters inveighed against internal improvements, much after the manner in which the honorable gentleman has now inveighed against them, as part and parcel of the system of consolidation. Whether this party arose in South Carolina herself, or in her neighborhood, is more than I know. I think the latter. However that may have been, there were those found in South Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things in such controversies, they bestowed on the anti-improvement gentlemen the appellation of radicals. Yes, sir, the appellation of radicals, as a term of distinc-

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tion applicable and applied to those who denied the liberal doctrines of internal improvement, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, sir, these mischievous radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time, sir, I returned to congress. The battle with the radicals had been fought, and our South Carolina champions of the doctrines of internal improvement had nobly maintained their ground, and were understood to have achieved a victory. We looked upon them as conquerors. They had driven back the enemy with discomfiture—a thing, by the way, sir, which is not always performed when it is promised.

(Mr. Webster quotes from a member from South Carolina who in a printed speech asserted that the system of internal improvements was first advocated by Mr. Calhoun. This opinion was held when Webster took his seat in congress and subsequently a bill authorizing the system in fact was voted for by South Carolina members; he followed that light till 1824. After an interruption by Mr. Calhoun to which he replies neatly, he proceeds: “I have thus * * * shown

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if I am in error on the subject of internal improvement, how and in what company I fell into that error. If I am wrong it is apparent who misled me.”)

On yet another point I was still more unaccountably misunderstood. The gentleman had harangued against “consolidation.” I told him, in reply, that there was one kind of consolidation to which I was attached, and that was the consolidation of our Union ; that this was precisely that consolidation to which I feared others were not attached ; that such consolidation was the very end of the constitution, the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication, and read their very words, “The consolidation of the Union,” and expressed my devotion to this sort of consolidation. I said, in terms, that I wished not in the slightest degree to augment the powers of this government ; that my object was to preserve, not to enlarge ; and that by consolidating the Union I understood no more than the strengthening of the Union, and perpetuating it. Having been thus explicit, having thus read from the printed book the precise words which I

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adopted, as expressing my own sentiments, it passes comprehension how any man could understand me as contending for an extension of the powers of the government, or for consolidation in that odious sense in which it means an accumulation, in the federal government, of the powers properly belonging to the states.

(The orator explains his position on the tariff question, which Hayne had claimed to be contradictory. He had voted against the tariff in 1824 but in 1828 he had merely voted to amend an existing law for the benefit of his constituents. He then dismisses the tariff question.)

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go, also, of the topic of the tariff, he sallied forth in a general assault on the opinions, politics, and parties of New England, as they have been exhibited in the last thirty years. This is natural. The "narrow policy" of the public lands had proved a

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legal settlement in South Carolina, and was not to be removed. The "accursed policy" of the tariff, also, had established the fact of its birth and parentage in the same state. No wonder, therefore, the gentleman wished to carry the war, as he expressed it, into the enemy's country. Prudently willing to quit these subjects, he was, doubtless, desirous of fastening on others which could not be transferred south of Mason and Dixon's line. The politics of New England became his theme; and it was in this part of his speech, I think, that he menaced me with sore discomfiture. Discomfiture! Why, sir, when he attacks anything which I maintain, and overthrows it, when he turns the right or left of any position which I take up, when he drives me from any ground I choose to occupy, he may then talk of discomfiture, but not till that distant day. What has he done? Has he maintained his own charges? Has he proved what he alleged? Has he sustained himself in his attack on the government, and on the history of the north, in the matter of the public lands? Has he disproved a fact, refuted a proposition, weakened an argument, maintained by me? Has he come within beat of drum of any position of mine? O, no; but

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he has "carried the war into the enemy's country!" Carried the war into the enemy's country! Yes, sir, and what sort of a war has he made of it? Why, sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses, over whatever the pulpit in its moments of alarm, the press in its heats, and parties in their extravagances, have severally thrown off in times of general excitement and violence. He has thus swept together a mass of such things as, but that they are now old and cold, the public health would have required him rather to leave in their state of dispersion. For a good long hour or two, we had the unbroken pleasure of listening to the honorable member, while he recited with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the *et ceteras* of the political press, such as warm heads produce in warm times, and such as it would be "discomfiture" indeed for any one whose taste did not delight in that sort of reading to be obliged to peruse. This is his war. This it is to carry war into the enemy's country. It is by an invasion of this sort that he flatters himself with the expectation of gaining laurels fit to adorn a senator's brow!

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Mr. President, I shall not—it will not, I trust, be expected that I should—either now or at any time, separate this farrago into parts, and answer and examine its components. I shall hardly bestow upon it all a general remark or two. In the run of forty years, sir, under this constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the constitution itself, and, in some form or other, has attended it through the greater part of its history. Whether any other constitution than the old articles of confederation was desirable, was itself a question on which parties formed; if a new constitution were framed, what powers should be given to it was another question; and when it had been formed, what was, in fact, the just extent of the powers actually conferred was a third. Parties, as we know, existed under the first administration, as distinctly marked as those which have manifested themselves at any subsequent period. The contest immediately preceding the political change in 1801, and that, again, which existed at the commencement of the late war, are other instances of party excitement, of something more than usual strength and intensity. In all these conflicts there was, no doubt, much of violence on both and all sides. It would be impossible, if one had a

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fancy for such employment, to adjust the relative *quantum* of violence between these contending parties. There was enough in each, as must always be expected in popular governments. With a great deal of proper and decorous discussion, there was mingled a great deal, also, of declamation, virulence, crimination, and abuse. In regard to any party, probably, at one of the leading epochs in the history of parties, enough may be found to make out another equally inflamed exhibition, as that with which the honorable member has edified us. For myself, sir, I shall not rake among the rubbish of bygone times, to see what I can find, or whether I cannot find something by which I can fix a blot on the escutcheon of any state, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant, and persevering support, in all his great and leading measures. We know where his private and personal character was held in the highest degree of attachment and veneration; and we know, too, where his measures were opposed, his services slighted, and his character vilified.

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We know, or we might know if we turned to the journals, who expressed respect, gratitude and regret when he retired from the chief magistracy, and who refused to express either respect, gratitude or regret. I shall not open those journals. Publications more abusive or scurrilous never saw the light, than were sent forth against Washington, and all his leading measures, from presses south of New England. But I shall not look them up. I employ no scavengers; no one is in attendance on me, tendering such means of retaliation; and if there were, with an ass's load of them, with a bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our own times, to be no way anxious to rescue from forgetfulness the extravagances of times past.

Mr. President, in carrying his warfare, such as it is, into New England, the honorable gentleman all along professes to be acting on the defensive. He elects to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defense. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable mem-

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ber, in his first speech, expressed opinions, in regard to revenue and some other topics, which I heard both with pain and with surprise. I told the gentleman I was aware that such sentiments were entertained *out* of the government, but had not expected to find them advanced in it; that I knew there were persons in the south who speak of our Union with indifference or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to weaken its connection. This, sir, is the sum and substance of all I said on the subject. And this constitutes the attack which called on the chivalry of the gentleman, in his own opinion, to harry us with such a foray among the party pamphlets and party proceedings of Massachusetts! If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I had assailed the character of the state, her honor or patriotism, that I had reflected on her history or her

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conduct, he has not the slightest ground for any such assumption. I did not even refer, I think, in my observations, to any collection of individuals. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honorable member disapproved as much as myself. In this, it seems, I was mistaken. I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-Union tendency, which on all or any of the recent occasions has been expressed. The whole drift of his speech has been rather to prove, that, in divers times and manners, sentiments equally liable to my objection have been avowed in New England.

(Webster points out an inconsistency in Hayne's argument, and then questions the object of the Hartford convention, and shows the absurdity of charging the government of New England with the misinterpreted acts of an unauthorized convention.)

Then, sir, the gentleman has no fault to find with these recently promulgated South Carolina opinions. And certainly he need have none; for his own sentiments, as now

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advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe that the eulogium pronounced on the character of the state of [South Carolina, by the honorable gentleman, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honor, I partake in the pride, of her great names. I claim them for countrymen, one and all—the Laurenses, the Rutledges, the Pinckneys, the Sumters, the Marions, Americans all, whose fame is no more to be hemmed in by state lines, than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honored the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself

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bears¹⁷ — does he esteem me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts, instead of South Carolina? Sir, does he suppose it in his power to exhibit a Carolina name so bright, as to produce envy in my bosom? No, sir; increased gratification and delight, rather. I thank God, that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit, which would drag angels down. When I shall be found, sir, in my place here in the senate, or elsewhere, to sneer at public merit, because it happens to spring up beyond the little limits of my own state or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or, if I see an uncommon endowment of Heaven, if I see extraordinary capacity and virtue, in any son of the south, and if, moved

17. Isaac Hayne, great-uncle of Robert Y. Hayne, who was executed by the joint order of Colonel Balfour and Lord Rawdon. Hayne had taken the oath of allegiance to the British on condition that he should not be obliged to bear arms. He was forced into service; and on account of this broke his parole, and became an American officer. He was captured by the British and hanged.

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by local prejudice or gangrened by state jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth.

Sir, let me recur to pleasing recollections; let me indulge in refreshing remembrances of the past; let me remind you that, in early times, no states cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the revolution; hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exists, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain for-

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ever. The bones of her sons, fallen in the great struggle for independence, now lie mingled with the soil of every state from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it, if party strife and blind ambition shall hawk at and tear it, if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm, with whatever of vigor it may still retain, over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty which I feel to be devolved on me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the constitution under which we are here

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assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain that it is a right of the state legislatures to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right as a right existing *under* the constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the states, thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.



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I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the states may lawfully decide for themselves, and each state for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist that, if the exigency of the case, in the opinion of any state government, require it, such state government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a state, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws, is doubtless true. That a majority, somewhat less than that just mentioned, con-

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scientifically believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct state interference at state discretion, the right of nullifying acts of congress by acts of state legislation, is more than I know, and what I shall be slow to believe.

That there are individuals besides the honorable gentleman who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment which circumstances attending its utterance and publication justify us in supposing was not unpremeditated: "The sovereignty of the state — never to be controlled, construed, or decided on, but by her own feelings of honorable justice."

(Here occur two interruptions by Mr. Hayne, one in which he reads the resolution on which he relies for his authority. Webster contends that Hayne's interpretation of the resolution is incorrect. The latter explains that he contends for constitutional resistance. Webster is glad he does not misunderstand, and he does not admit the truth of the proposition; asserts that it cannot be maintained; admits an ultimate, violent remedy, that is, revolution; and denies that there is any mode in which a state, "as a member of

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the Union, can interfere and stop the progress of the general government by force of her own laws under any circumstances whatever.”)

The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges.

This leads us to inquire into the origin of this government and the source of its power. Whose agent is it? Is it the creature of the state legislatures, or the creature of the people? If the government of the United States be the agent of the state governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this general government is the

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creature of the states, but that it is the creature of each of the states severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's constitution, the people's government, made for the people, made by the people, and answerable to the people.¹⁸ The people of the United States have declared that this constitution shall be the supreme law. We must either admit the proposition, or dispute the authority. The states are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the state legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the peo-

18. Compare with the sentence in Lincoln's Gettysburg address. Theodore Parker uses the expression, "A government of all the people, by all the people, for all the people."

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ple, and not of the state governments. We are all agents of the same supreme power, the people. The general government and the state governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the state governments, or to the people themselves. So far as the people have restrained state sovereignty, by the expression of their will, in the constitution of the United States, so far, it must be admitted, state sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have referred propounds that state sovereignty is only to be controlled by its own "feeling of justice;" that is to say, it is not to be controlled at all, for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on state sovereignties. There are those, doubtless, who wish they had been left without restraint;

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but the constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the constitution declares that no state shall make war. To coin money is another exercise of sovereign power; but no state is at liberty to coin money. Again, the constitution says that no sovereign state shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the state sovereignty of South Carolina, as well as of the other states, which does not arise "from her own feelings of honorable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the constitution.

(The speaker contends that under the resolutions and constructions placed upon them by his opponents, the tariff laws are all such palpable usurpation as would justify the states in exercising their rights of nullification; supposes South Carolina so resolves but other states resolve differently; asks what power shall decide. He then points out the absurdity of the claim that South Carolina had no collision with the King's ministers in 1775, and asks contemptuously what now separates the state from Old England instead of from New England.)

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Resolutions, sir, have been recently passed by the legislature of South Carolina. I need not refer to them; they go no farther than the honorable gentleman himself has gone, and I hope not so far. I content myself, therefore, with debating the matter with him.

And now, sir, what I have first to say on this subject is, that at no time, and under no circumstances, has New England, or any state in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case, he can find none, to support his own opinions by New England authority. New England has studied the constitution in other schools, and under other teachers. She looks upon it with other regards, and deems more highly and reverently both of its just authority and its utility and excellence. The history of her legislative proceedings may be traced. The ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up; they have been hunted up. The opinions and votes of her public men, in and out of congress, may be explored. It will all be in vain. The Carolina doctrine can derive

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from her neither countenance nor support. She rejects it now; she always did reject it; and till she loses her senses, she always will reject it. The honorable member has referred to expressions on the subject of the embargo law, made in this place, by an honorable and venerable gentleman, now favoring us with his presence.⁹ He quotes that distinguished senator with saying, that, in his judgment, the embargo law was unconstitutional, and that, therefore, in his opinion, the people were not bound to obey it. That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a state legislature to decide whether an act of congress be or be not constitutional.* An unconstitutional act of congress would not bind the people of this district, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of congress does bind the citizens of every state, although all their legislatures should undertake to annul it by act or resolution. The venerable Connecticut senator is a constitutional lawyer, of sound principles and enlarged knowledge: a statesman practiced and experi-

19. Mr. Hillhouse, of Connecticut.

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enced, bred in the company of Washington, and holding just views upon the nature of our governments. He believed the embargo unconstitutional, and so did others; but what then? Who did he suppose was to decide that question? The state legislatures? Certainly not. No such sentiment ever escaped his lips.

Let us follow up, sir, this New England opposition to the embargo laws; let us trace it, till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the legislature of Massachusetts, asserting the Carolina doctrine; that is, the right of state interference to arrest the laws of the Union. The fate of that petition shows the sentiment of the legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed in 1798,²⁰ in answer to the

20. The Virginia resolutions were passed by the legislature of that state in 1798, in antagonism to the loose construction views of the Federalists. The resolutions declared the Union to be a compact, each party to which had a right to "interpose," in order to protect and defend itself against any infringements of the compact.

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resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of government, and great and deep dislike to the embargo; all this makes the case so much the stronger for her; for, notwithstanding all this dissatisfaction and dislike, she claimed no right, still, to sever asunder the bonds of the Union. There was heat and there was anger in her political feeling. Be it so; her heat or her anger did not, nevertheless, betray her into infidelity to the government. The gentleman labors to prove that she disliked the embargo as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; but did she propose the Carolina remedy? did she threaten to interfere, by state authority, to annul the laws of the Union? That is the question for the gentleman's consideration.

No doubt, sir, a great majority of the people of New England conscientiously believed the embargo law of 1807 unconstitutional; as conscientiously, certainly, as the people of South Carolina hold that opinion of the tariff. They

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reasoned thus: Congress has power to regulate commerce; but here is a law, they said, stopping all commerce and stopping it indefinitely. The law is perpetual; that is, it is not limited in point of time, and must of course continue until it shall be repealed by some other law. It is as perpetual, therefore, as the law against treason or murder. Now is this regulating commerce, or destroying it? Is it guiding, controlling, giving the rule to commerce, as a subsisting thing, or is it putting an end to it altogether? Nothing is more certain, than that a majority in New England deemed this law a violation of the constitution. The very case required by the gentleman to justify state interference had then arisen. Massachusetts believed this law to be "a deliberate, palpable, and dangerous exercise of a power not granted by the constitution." Deliberate it was, for it was long continued; palpable she thought it, as no words in the constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interests. Here, then, was a Carolina case. How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable

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violation of the constitution, and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt also, that, as a measure of national policy, it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her own strong sense and the energy of sober conviction. But she did not interpose the arm of her own power to arrest the law and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of congress, and secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England be-

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lieved the embargo law unconstitutional ; but the great question was, and always will be in such cases, Who is to decide this ? Who is to judge between the people and the government ? And, sir, it is quite plain that the constitution of the United States confers on the government itself, to be exercised by its appropriate department, and under its own responsibility to the people, this power of deciding ultimately and conclusively upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old confederation.

Being fully of opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion—it was a matter they did not doubt upon—that the question, after all, must be decided by the judicial tribunals of the United States. Before these tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old-fashioned way of settling disputes, they went to law. The case came to hearing and solemn argument ; and he who espoused their cause,

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and stood up for them against the validity of the embargo act, was none other than that great man, of whom the gentleman has made honorable mention, Samuel Dexter.²¹ He was then, sir, in the fullness of his knowledge, and the maturity of his strength. He had retired from long and distinguished public service here, to the renewed pursuit of professional duties, carrying with him all that enlargement and expansion, all the new strength and force, which an acquaintance with the more general subjects discussed in the national councils is capable of adding to professional attainment, in a mind of true greatness and comprehension. He was a lawyer, and he was also a statesman. He had studied the constitution, when he filled public station, that he might defend it. He had examined its principles that he might maintain them. More than all men, or at least as much as any man, he was attached to the general government and to the union of the states. His feelings and opinions all ran in that direction. A question of constitutional law, too, was, of all subjects, that one which was best suited to

21. Samuel Dexter was a noted Massachusetts lawyer. He was successively, for short periods, secretary of war and secretary of the treasury in the cabinet of President John Adams.

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his talents and learning. Aloof from technicality, and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration. The earnestness of his own conviction wrought conviction in others. One was convinced, and believed, and assented, because it was gratifying, delightful, to think, and feel, and believe, in unison with an intellect of such evident superiority.

Mr. Dexter, sir, such as I have described him, argued the New England cause. He put into his effort his whole heart, as well as all the powers of his understanding; for he had avowed, in the most public manner, his entire concurrence with his neighbors on the point in dispute. He argued the cause; it was lost, and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo by laws of our own ;

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we should have repealed it, *quoad*²² New England ; for we had a strong, palpable, and oppressive case. Sir, we believed the embargo unconstitutional; but still that was matter of opinion, and who was to decide it? We thought it a clear case; but, nevertheless, we did not take the law into our own hands, because we did not wish to bring about a revolution, nor to break up the Union; for I maintain, that between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground; there is no ambiguous condition, half allegiance and half rebellion. And, sir, how futile, how very futile it is, to admit the right of state interference, and then attempt to save it from the character of unlawful resistance by adding terms of qualification to the causes and occasions, leaving all these qualifications, like the case itself, in the discretion of the state governments! It must be a clear case, it is said, a deliberate case, a palpable case, a dangerous case. But then the state is still left at liberty to decide for herself what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail anything?

²². To the extent of New England.

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Sir, the human mind is so constituted, that the merits of both sides of a controversy appear very clear, and very palpable, to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there, also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident assertion, *resolves*, also, and gives to every warm affirmative of South Carolina a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect any more than in others, reduces her dissentient fraction to a single vote. Now, sir, again, I ask the gentleman, What is to be done? Are these states both right? Is he

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bound to consider them both right? If not, which is in the wrong? or rather, which has the best right to decide? And if he, and if I, are not to know what the constitution means, and what it is, till those two state legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it! I was forcibly struck, sir, with one reflection, as the gentleman went on in his speech. He quoted Mr. Madison's resolutions, to prove that a state may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power; and that consequently a case has arisen in which the state may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr. Madison deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility, I had almost said a stronger word, of conceding this power of interference to the states, and then attempting to secure it from abuse by imposing

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qualifications of which the states themselves are to judge. One of two things is true; either the laws of the Union are beyond the discretion and beyond the control of the states, or else we have no constitution of general government, and are thrust back again to the days of the confederation.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The government would very likely have gone to pieces, and crumbled into dust. No stronger case can ever arise than existed under those laws; no states can ever entertain a clearer conviction than the New England states then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare, whether, in his opinion, the New England states would have been justified in interfering to break up the embargo system under the conscientious opinions which they

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held upon it. Had they a right to annul that law, does he admit or deny? If what is thought palpably unconstitutional in South Carolina justifies that state in arresting the progress of the law, tell me whether that which was thought palpably unconstitutional also in Massachusetts would have justified her in doing the same thing. Sir, I deny the whole doctrine. It has not a foot of ground in the constitution to stand on. No public man of reputation ever advanced it in Massachusetts in the warmest times, or could maintain himself upon it there at any time. * * *

I must now beg to ask, sir, Whence is this supposed right of the states derived? Where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains is a notion founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the state governments. It is created for one

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purpose; the state governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of congress, than with congress to arrest the operation of their laws. We are here to administer a constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the state governments. It is of no moment to the argument that certain acts of the state legislatures are necessary to fill our seats in this body. That is not one of their original state powers, a part of the sovereignty of the state. It is a duty which the people, by the constitution itself, have imposed on the state legislatures, and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of president with electors; but all this does not affect the proposition that this whole government—president, senate, and house of representatives—is a popular government. It leaves it still all its popular character. The governor of the state (in some of the states) is chosen, not directly by the people, but by those who are chosen by the people for the purpose of performing, among other duties, that of electing a gov-

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ernor. Is the government of the state, on that account, not a popular government? This government, sir, is the independent offspring of the popular will. It is not the creature of state legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on state sovereignties. The states cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this constitution, sir, be the creature of state legislatures, it must be admitted that it has obtained a strange control over the volition of its creators.

The people, then, sir, erected this government. They gave it a constitution, and in that constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the states or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their

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work. No definition can be so clear, as to avoid possibility of doubt; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole constitution was framed and adopted, was to establish a government that should not be obliged to act through state agency, or depend on state opinion and state discretion. The people had had quite enough of that kind of government under the confederacy. Under that system, the legislation, the application of law to individuals, belonged exclusively to the states. Congress could only recommend; their acts were not of binding force till the states had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of state discretion and state construction? Sir, if we are, then vain will be our attempt to maintain the constitution under which we sit.

But, sir, the people have wisely provided,

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in the constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the constitution grants of powers to congress, and restrictions on those powers. There are, also, prohibitions on the states. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "*the constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, anything in the constitution or laws of any state to the contrary notwithstanding.*"²³

This, sir, was the first great step. By this the supremacy of the constitution and laws of the United States is declared. The people so will it. No state law is to be valid which comes in conflict with the constitution, or any law of the United States passed in pursuance of it. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the constitution itself decides also,

23. Constitution of the United States, Art. VI, Clause 2.

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by declaring “*that the judicial power shall extend to all cases arising under the constitution and laws of the United States.*”²⁴ These two provisions, sir, cover the whole ground. They are, in truth, the keystone of the arch! With these it is a government; without them it is a confederacy. In pursuance of these clear and express provisions, congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the supreme court. It then, sir, became a government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among the things which are past. Having constituted the government, and declared its powers, the people have further said, that, since somebody must decide on the extent of these powers, the government shall itself decide; subject, always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a state legislature acquires any power to interfere? Who, or what, gives them the right to say to the people, “We, who are your agents and servants, for one purpose, will undertake

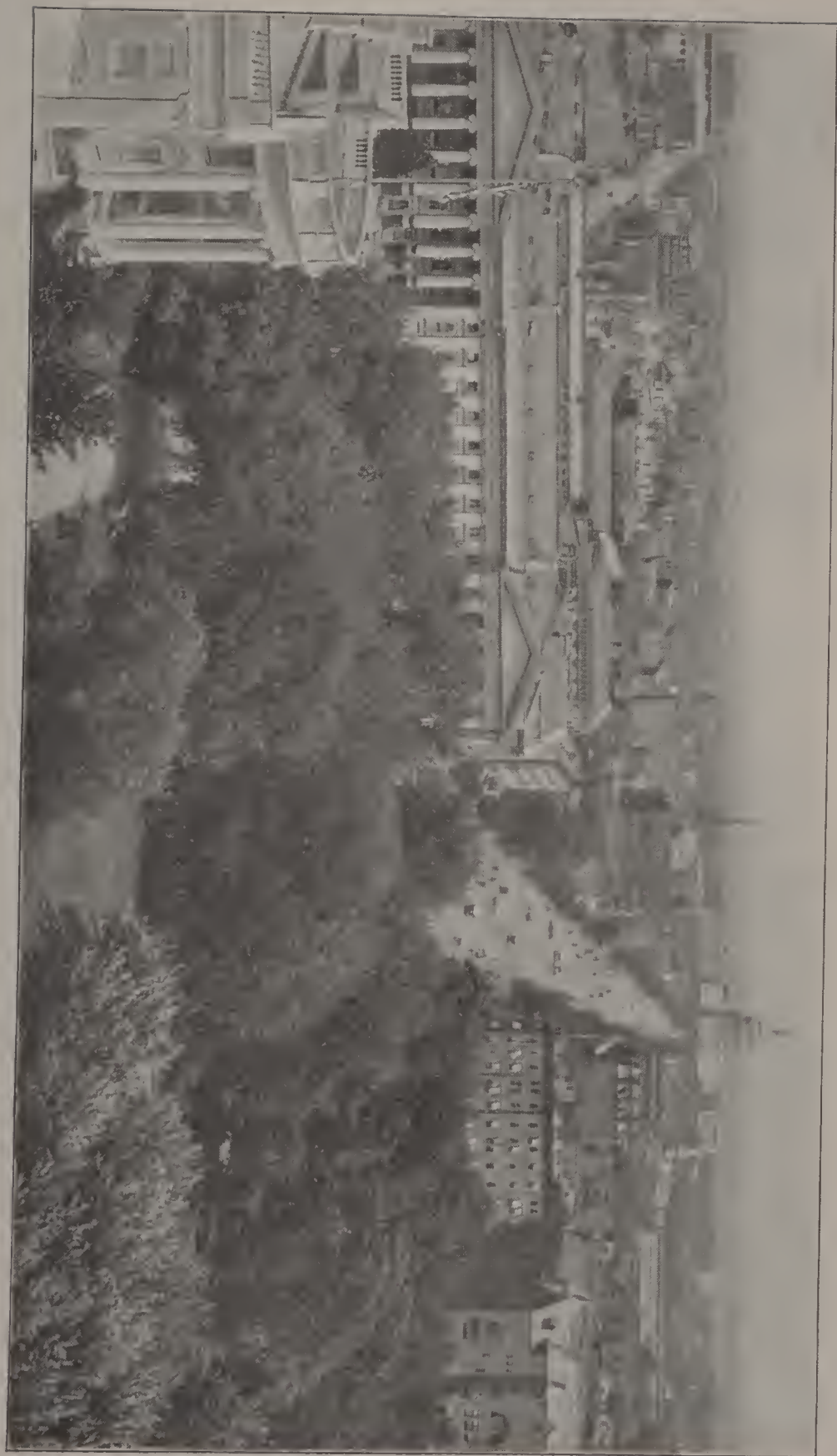
24. Constitution of the United States, Art. III, Sec. II, Clause 1.

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to decide that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them"? The reply would be, I think, not impertinent, — "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of state legislatures altogether. It cannot stand the test of examination. Gentlemen may say, that, in an extreme case, a state government might protect the people from intolerable oppression. Sir, in such a case, the people might protect themselves, without the aid of the state governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a state legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I do not admit the jurisdiction of South Carolina, or any other state, to prescribe my constitutional duty, or to



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settle, between me and the people, the validity of laws of congress for which I have voted. I decline her umpirage. I have not sworn to support the constitution according to her construction of its clauses. I have not stipulated, by my oath of office or otherwise, to come under any responsibility, except to the people, and those whom they have appointed to pass upon the question, whether laws supported by my votes conform to the constitution of the country. And, sir, if we look to the general nature of the case, could anything have been more preposterous, than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others; and each at liberty, too, to give a new construction on every new election of its own members? Would anything with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a constitution. It should be

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called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, or fit for any country to live under.

To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit that it is a government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted, is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the general government would be good for nothing, it would be incapable of long existing, if some mode had not been provided in which those doubts, as they should arise, might be peaceably but authoritatively solved.

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*.²⁵ If a thing can be done, an ingenious man can tell *how* it is to

25. Mode of operation.

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be done. Now I wish to be informed *how* this state interference is to be put in practice, without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it, (as we probably shall not,) she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature, declaring the several acts of congress, usually called the tariff laws, null and void, so far as they respect South Carolina, or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws. He, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The state authorities will undertake their rescue; the marshal, with his posse, will come to the collector's aid, and here the contest begins. The militia of the state will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the state. He will raise the NULLIFYING ACT on his standard, and spread it out as his banner! It will have

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a preamble, bearing that the tariff laws are palpable, deliberate, and dangerous violations of the constitution ! He will proceed, with his banner flying, to the custom-house in Charleston,

“All the while,
Sonorous metal blowing martial sounds.”

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would not, probably, desist at his bidding. He would show him the law of congress, the treasury instruction, and his own oath of office. He would say, he should perform his duty, come what might.

Here would come a pause; for they say that a certain stillness precedes the tempest. The trumpeter would hold his breath awhile, and before all this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law; for they have, doubtless, a just respect

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for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone²⁶ and the constitution, as well as Turenne²⁷ and Vauban.²⁸ They would ask him, therefore, something concerning their rights in this matter. They would inquire, whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offense, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law *was constitutional*? He would answer, of course, treason. No lawyer could give any other answer. John Fries,²⁹ he would tell them, had learned that, some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to defend us? "Look at my floating banner," he would reply; "see there the *nullifying law*!" Is it your opinion, gallant commander, they would then say, that,

26. Eminent English law commentator — 1723.

27. Writer and soldier. Marshal of France in 1644.

28. Famous French military engineer — 1633-1707.

29. A German of Eastern Pennsylvania who opposed the collection of taxes levied upon his house, incited riot and was tried for treason, 1799.

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if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sovereign state," he would reply. That is true; but would the judge admit our plea? "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That may all be so; but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax worse than any part of the tariff.

Mr. President, the honorable gentleman would be in a dilemma, like that of another great general. He would have a knot³⁰ before him which he could not untie. He must cut it with his sword. He must say to his followers, "Defend yourselves with your bayonets;" and this is war—civil war.

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional

30. Gordius was a peasant who became king of Phrygia. An oracle declared that whoever untied the knot by which the yoke was tied to his wagon would be made ruler of the world. Alexander tried and not succeeding cut the knot with his sword.

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laws which the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist by force the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a state to commit treason? The common saying that a state cannot commit treason herself, is nothing to the purpose. Can she authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.

The honorable gentleman argues, that if this government be the sole judge of the extent of its own powers, whether that right of judging be in congress or the supreme court, it equally subverts state sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right

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of judging, in this matter, if left to the exercise of state legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be, that the right *ought not* to have been lodged with the general government; he may like better such a constitution as we should have under the right of state interference; but I ask him to meet me on the plain matter of fact. I ask him to meet me on the constitution itself. I ask him if the power is not found there, clearly and visibly found there?

But, sir, what is this danger, and what are the grounds of it? Let it be remembered that the constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the state governments and the general government, they can alter that distribution at will.

If anything be found in the national constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established unaccept-

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able to them, so as to become practically a part of the constitution, they will amend it, at their own sovereign pleasure. But while the people choose to maintain it as it is, while they are satisfied with it, and refuse to change it, who has given, or who can give, to the state legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves. They imagine there is no safety for them, any longer than they are under the close guardianship of the state legislatures. Sir, the people have not trusted their safety, in regard to the general constitution, to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the government itself, in doubtful cases, should put on its own powers, and under their oaths of office, and subject to their responsibility to them; just as the people of a state trust their own state government with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents whenever they

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see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power to alter or amend the constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any state legislature to construe or interpret *their* high instrument of government; much less, to interfere, by their own power, to arrest its course and operation.

If, sir, the people in these respects had done otherwise than they have done, their constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every state, but as a poor dependent on state permission. It must borrow leave to be, and will be no longer than state pleas-

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ure, or state discretion, sees fit to grant the indulgence, and prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, NULLIFIED, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust—faithfully to preserve, and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I can not, even now, persuade

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myself to relinquish it, without expressing once more my deep conviction, that, since it respects nothing less than the Union of the states, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

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I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counselor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fra-

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ternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, not a single star obscured, bearing for its motto no such miserable interrogatory as “What is all this worth?” nor those other words of delusion and folly, “Liberty first and Union afterwards;” but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart — Liberty *and* Union, now and forever, one and inseparable!

After Webster had completed his speech Hayne rose for a rejoinder and argued the constitutional question. His chief contention was that the constitution is a compact between the states, that a contract between two with one only possessing the power of interpretation would mean the practical surrender to that one of all the power, therefore the general government does not possess the authority to construe its own powers — at least such is Webster’s statement of the case. In reply Mr. Webster showed the absurdity of making the

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thing created, that is, the government, a party to the compact that created it. Then granting for purposes of argument that the government is in the nature of a compact he proceeds to show that the only way to determine the powers of the compact is by a study and construction of its terms. Then he finds in the constitution that the laws passed by Congress in pursuance of the constitution shall be the supreme law of the land and that the judicial power of the United States shall extend to every case arising under the laws of congress. This is conclusive and forever settles the unconstitutionality of the doctrine of state rights.

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Structure

The great length of the *Reply* will prevent your making so close an outline as was presented for Lincoln's *Gettysburg Address*, but you should make the outline full for the direct argument by which Webster disposes of the dogma of State Rights. Note the personal matters of the introduction and the various secondary questions he reviews and then omitting these from further consideration reduce to writing the argument of his plea. It will not be the easiest task but you will succeed. You may find yourself making several copies before one satisfies you perfectly but that is no more than every person must do who studies under even the best personal tuition.

When you have prepared the outline and are sure you have all the points of the argument, reduce them to the fewest possible words and then make a final copy in form like the one of the *Gettysburg Address* on page 26. This will enable you to see the whole argument at a glance and will show you something of the way in which the thoughts lay in the mind of Webster before he clothed them in words.

You will arrange the matter of your outline under the three great headings : *Introduction*, *Dis-*



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cussion, and *Conclusion*. The introduction in the speech ends just before the paragraph beginning "I spoke, sir, of the ordinance of 1787." Where does the conclusion begin? How many distinct lines of argument do you find Webster pursuing in the body of the speech? Is the transition from one to another of these logical and natural? Could any of them be omitted as irrelevant? Are you impressed with the unity, the *oneness* of the oration? How many readings are required for you to get in mind the full course of the argument?

Thought

As an oration that ranks among the most powerful ever delivered, the *Reply to Hayne* deserves close and particular study. The profound principles discussed can be appreciated only through thorough understanding of the details and minor phases of the thought. To get in all cases Webster's full and exact meaning, first look up in a good dictionary every unfamiliar word. Perhaps the term *farrago* (page 87, line 3) is new to you. You must understand that it means *a confused mixture, a jumble*, in order to feel fully Webster's contempt for the mass of printed matter brought to light by his opponent. Again, consider the words *vilified* (page 88, last line) and *scurrilous* (page 89, ¶ 1). How much is added to the context if one knows, not, in a vague way, that these terms indicate baseness, but definitely,

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that *vilify* means *to make base in the sight of others*, usually as an unjustifiable gratification of low and bitter feeling, and that *scurrilous* could be applied only to "publications" which are unfair and which express ill-feeling. Likewise, it is not enough to guess or know vaguely that the word *encomium* (page 94, ¶ 3) means *praise*; it indicates *strong commendation* and the reader must realize this if he is to share the orator's feeling. An attempt to find not only the general definition but the finer shades of meaning of every other word not well understood will be amply repaid.

. Webster in several cases adds zest to his oration by the use of vigorous figures of speech. He begins, indeed, with likening the course of the discussion in the senate to that of the mariner who, driven out of his way on a stormy sea, seizes his first opportunity to take his bearings. Can you think of a more effective means of impressing the need of returning to the original point of the discussion that the exact position in the debate might be realized? Notice the amusing metaphor which runs through pages 45, 46 and 47. What effect do you suppose it had upon the audience? Trace carefully the application of all other figures that you find. Read aloud slowly and carefully the last paragraph of the oration, since it is filled with powerful and vivid figures.

The speech abounds in allusions. Many of these references are explained in the notes.

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Satisfy yourself of the meaning of all others before you leave your study of the speech. Get clearly in mind the meaning of State Sovereignty and Nullification and the attitude of both South Carolina and New England toward the public lands discussion and the interpretation of the Constitution.

Sometimes single sentences demand particular notice because of peculiar or striking force. For example, on page 76, the meaning of the sentence, "The harvest of neutrality was great but we have gathered it all," may not be at once evident. It may require particular consideration to bring out the idea that *while the nations of Europe were at war, American ships sailing under a neutral flag reaped great advantages from trade, but such a condition is now past*. Again on page 80, line 4, the sentence, "The tariff of 1816 — South Carolina votes," calls for especial attention. Note the effect of the use of one of the enemy's own weapons. Sentences like these cannot be slighted if a clear understanding of the essay in its entirety is to be gained.

Read the paragraph on page 68, which begins, "Sir, we narrow-minded people" and the following paragraph, "Sir, I do not desire" with sufficient care to get the thought completely. Then reproduce these paragraphs, explaining fully Webster's attitude and the allusions he makes. In similar manner treat the third paragraph on

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page 99, beginning "This leads us," and other paragraphs that seem of marked importance.

Was the subject of the public lands the really important issue in Webster's speech? If not, what was the vital matter of controversy? Does the orator, in general, keep closely to his subject? Has Webster a well-developed sense of humor? How does the spirit shown by him compare with that of his opponents? How far do Webster's earnest personal conviction and enthusiasm make themselves felt?

Style

Simplicity, vigor and directness characterize the Gettysburg address. Do you find the same qualities in the *Reply to Hayne*? If not, how does the oratory of Lincoln differ from that of Webster? What would you say are the distinguishing characteristics of Webster's style? Do you think that it is peculiarly adapted to his subject? In your opinion, is the critic justified who says that "Seldom, in the world of letters, do we find such another heaven-scaling crag, with its feet in the deep sea, as Webster"?

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